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10/536,678

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EXAMINER

O BRIEN, JEFFREY D

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3677

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/536,678 | Applicant(s) ESPINDOLA ET AL. | |
| | Examiner Jeffrey O'Brien | Art Unit 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “a lower wall portion 12” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because it contains numerous errors and awkward language which appear to be the result of translation from a foreign language these include but are not limited to: Page 5, Line 17: "...the solution of the present invention...". Page 7, Line 17-18: "...an external thread and presenting and end to..." Page 8, Line 14: "If it is necessary to revert the opening..."
3. The use of the words "superiorly" and "inferiorly" throughout the specification does not seem to coincide with the normal definitions. Applicant appears to be using these words to describe "higher" and "lower" respectively. While "superior" and "inferior" can often indicate "higher" and "lower" they generally refer to a rank or quality rather than relative position. It is suggested that Applicant reword these phrases to better coincide with the position of the structure of the hinge elements.

Appropriate correction is required.

Claim Objections

4. Claims 1, 7, and 14 are objected to because of the following informalities:
5. Claim 1: "...towards said axis..." should be replaced with "...axially..."
6. Claim 7: "...the lower portion is fitted..." should be replaced with "...the lower portion of the hinge pin is fitted..." so as to indicate which "lower portion" is being fitted.
7. Claim 14: "...rear extension..." lacks antecedent basis and should be replaced with "...rear portion..."
8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 4,932,729) herein referred to as '729.

11. For Claim 1, '729 teaches a hinge arrangement for the front door of a cabinet having a lower front edge (Fig. 3: 22), comprising a hinge body incorporating a front portion (Fig. 2: 81) and a rear portion (44), affixed to the lower front edge (22) of the cabinet and carrying an upwardly projecting hinge pin (98), maintaining a certain spacing from the lower front edge of the cabinet and around which the front door is inferiorly journalled; a shoe (72) inferiorly mounted to the hinge body according to a vertical axis, maintaining said certain spacing from the lower front edge of the cabinet, said shoe being selectively manually displaced towards said axis (axially) between an inoperative position, in which it is operatively spaced from the floor that supports the cabinet, and an operative position, in which it is seated on the floor, in order to transfer to the latter the weight of the front door and to lock the cabinet against displacements on the floor.

12. For Claim 2, '729 teaches the hinge arrangement as set forth in claim 1, wherein the hinge pin (98) presents a lower portion, to be removably affixed into a corresponding

bore (97) provided in the hinge body, and an upper portion, projecting upwardly in relation to the latter.

13. For Claim 3, '729 teaches the hinge arrangement as set forth in claim 2, wherein the hinge pin (98) incorporates a median flange (hexagonal flange seen in Fig. 2 on hinge pin 98) to be seated on the hinge body so as to define an axial bearing to support, inferiorly, the front door.

14. For Claim 4, '729 teaches the hinge arrangement as set forth in claim 2, wherein the shoe (72) is coupled to a shoe pin (71) that is removably affixed into a corresponding bore (Fig. 4: 67) provided in the hinge body.

15. For Claim 11, '729 teaches the hinge arrangement as set forth in claim 1, wherein the hinge body incorporates, medianly, an upper flange (Fig. 3: 47) disposed between a front portion (81) and a rear portion (44) of the hinge body, said upper flange and rear portion being respectively seated and affixed against the lower front edge (Fig. 3: 22) and under an adjacent lower wall portion (Fig. 5: 31) of the cabinet.

16. For Claim 12, '729 teaches the hinge arrangement as set forth in claim 11, wherein the upper flange (47) and the rear portion (44) of the hinge body are provided with bores (74, 76, 64 and 63) for the passage of respective front screws (86 and 87) and lower screws (69) to be threaded into respective bores provided in the lower front edge and in the lower wall portion of the cabinet.

17. For Claim 13, '729 teaches the hinge arrangement as set forth in claim 11, wherein the hinge body further carries, inferiorly, a roller (Fig. 2: 56) for displacing the cabinet on the floor.

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18. For Claim 14, '729 teaches the hinge arrangement as set forth in claim 12, wherein the roller (56) is journalled in a lower projection (54) of the rear portion (44) of the hinge body.

19. For Claim 15, '729 teaches the hinge arrangement as set forth in claim 1, comprising two hinge bodies (44) secured to the lower front edge of the cabinet, one of said hinge bodies carrying, inferiorly, a shoe (72) and being affixed close to the end of the lower front edge turned to the opening side of the front door, and the other hinge body carrying, inferiorly, a shoe (72) and, superiorly, a hinge pin (98) and being affixed to the end of the lower front door turned to the hinge side of the front door (column 6, lines 39-41).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

22. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 4,932,729) herein referred to as '729 as applied to claims 1-4 above, and further in view of Montuoro et al. (US 5,215,367) herein referred to as '367.

23. For Claim 5, '729 teaches the hinge arrangement as set forth in claim 4. '729 does not teach wherein the hinge pin has its lower portion rotatably locked in the hinge body when fitted inside the respective bore of the latter. '367 teaches wherein the hinge pin has its lower portion rotatably locked in the hinge body when fitted inside the respective bore of the latter (Column 2, Lines 42-46). It would be obvious to one of ordinary skill in the art at the time of the invention to apply the lower portion of the pin shaped in such a way as to secure it rotationally such as that of '367 to the hinge pin of '729 in order to prevent unwanted rotation.

24. For Claims 6 and 7, '729 and '367 do not teach the hinge arrangement wherein the bore of the hinge body presents a lower portion of smaller diameter, and an upper portion of larger diameter and with a non-circular cross section and wherein the lower portion of the hinge pin incorporates an enlargement which is fitted and locked against rotation inside the upper portion of the bore of the hinge body, while the lower portion is fitted with a small gap inside the lower portion of the bore of the hinge body. It would have been an obvious matter of design choice to replace a bore having a uniform diameter for both an upper and lower portion and a uniform fixed pin structure with one that has a upper and lower structure of different diameters and a stepped pin, as Applicant has not disclosed that it solves any stated problem of the prior art or is for any

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particular purpose. It appears that the invention would perform equally well as the inventions disclosed by '729 and '367.

25. For Claim 8, '729 teaches the hinge arrangement, wherein the lower portion of the bore of the hinge body is threaded (Column 6, Line 56) along at least part of its longitudinal extension.

26. For Claim 9, '729 teaches the hinge arrangement as set forth in claim 8, wherein the shoe pin (71) is provided with an external thread (Column 6, Line 12) to be threaded inside the lower portion of a respective bore (67) of the hinge body.

27. For Claim 10, '729 does not teach the hinge arrangement, wherein the bores for the fixation of the hinge pin and the shoe pin are identical and disposed side by side, with their axes lying on a plane that is parallel to the lower front edge of the cabinet. '729 does however teach a hinge structure having two side by side threaded bores (96 and 97) having axes that lie on a plane that is parallel to the lower front edge of the cabinet. These bores are used for reversing the attachment of the hinge pin (98). '729 also teaches the use of a threaded bore (67) for attaching the shoe (72). It would have been an obvious matter of design choice to attach the shoe (72) to the thread bore (96) of the hinge pin instead of the threaded bore (67) of the shoe pin, as Applicant has not disclosed that it solves any stated problem of the prior art or is for any particular purpose. It appears that the invention would perform equally well as the invention disclosed by '729.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCutcheon (US 5,971,350), Carbary (US 2,803,510), Hendricks (US 849,999), EP 329084 and JP 63203402 all teach relevant hinge and caster structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Friday 8:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Robert J. Sandy/
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